UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/50/930
S/1996/260
12 April 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 19
ADMISSION OF NEW MEMBERS TO
THE UNITED NATIONS

SECURITY COUNCIL
Fifty-first year

Identical letters dated 10 April 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Guinea to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to inform Your Excellency that the Organization of the Islamic Conference (OIC) Contact Group on Bosnia and Herzegovina met at the United Nations in New York today, 10 April 1996, to consider the problem arising from the recent publication of the United Nations document entitled "Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties" (ST/LEG/8). In particular the Contact Group raised serious concern over the language contained in paragraph 297, which may suggest that the Federal Republic of Yugoslavia (Serbia and Montenegro) has succeeded the former Socialist Federal Republic of Yugoslavia.

The States members of OIC have consistently maintained the position that, with the dissolution of the Socialist Federal Republic of Yugoslavia, that State had ceased to exist and that no individual State or entity of any kind represents the continuation of the Socialist Federal Republic of Yugoslavia. In fact, five successor States have emerged from the dissolution of the Socialist Federal Republic of Yugoslavia, each with equal rights and duties in respect of international law dealing with the succession of States. Thus, it is incumbent upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to apply for membership of the United Nations if it wishes to join this world Organization in the same manner as the other four successor States have been required to do.

This position of the OIC member States is fully consistent with relevant resolutions of the Security Council and the General Assembly, and the position of the Arbitration Commission of the International Conference on the Former Yugoslavia in the matter.

In this regard, the Security Council, in its resolution 777 (1992), stated that "the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist", and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations". More recently, in its resolution 1022 (1995) of 22 November 1995, the Security Council again took the position with regard to the former Socialist Federal Republic of Yugoslavia that "... that State has ceased to exist".

On this issue, the General Assembly, responding to the recommendation of the Security Council in the latter's resolution 777 (1992), decided, in its resolution 47/1, that "the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations ...".

The position of the Arbitration Commission also stated that (see A/48/874-S/1994/189, annex) the Socialist Federal Republic of Yugoslavia has ceased to exist and that no State represents its continuation. In opinion number 8 of 4 July 1992, it concluded that "the process of dissolution of the Socialist Federal Republic of Yugoslavia ... is now complete and that the Socialist Federal Republic of Yugoslavia no longer exists". In its opinion 10 of the same date the Commission took the position that "none of the resulting entities could claim to be the sole successor" to the Socialist Federal Republic of Yugoslavia, and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) ... cannot be considered the sole successor to the Socialist Federal Republic of Yugoslavia".

Accordingly, the Contact Group strongly felt that the position taken in the document (ST/LEG/8, para. 297) is inconsistent with the above-mentioned resolutions of the Security Council and the General Assembly as well as with the opinions of the Arbitration Commission, and with their own position on the issue. Therefore it remains unacceptable and needs to be rectified by the Secretariat.

I would be grateful if you would kindly have the present letter circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(Signed) Aboubacar DIONE
Chargé d'affaires a.i.
Chairman a.i. of the
Organization of the
Islamic Conference
Contact Group on
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